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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,977	03/01/2002	Kouji Asada	16869N-044500US	3252
20350	7590	01/11/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			CHO, UN C	
TWO EMBARCADERO CENTER			ART UNIT	
EIGHTH FLOOR			PAPER NUMBER	
SAN FRANCISCO, CA 94111-3834			2687	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,977

Applicant(s)

ASADA ET AL.

Examiner

Un C. Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/13/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richton (US 6,650,902 B1) in view of Elsey et al. (US 2004/0259535 A1).

Regarding claim 1, Richton discloses an information transmission system comprising a portable terminal (wireless mobile unit, Fig. 2, 201) having transmission function of data and a travel server (location based server, Fig. 2, 221) for memorizing personal data and various kinds of data therein (user profile and other information is stored in the location based server, Richton, Col. 3, lines 9 – 28), wherein said travel server produces travel data (location-based information) necessary for traveling of an each person, from the personal data

(user profile), including destination information of travel therein, and the various kinds of data (changes in the location information of the wireless mobile unit), which are memorized in said travel server (tracked by the location based server), and transmits the travel data from said travel server to said portable terminal, depending upon both of location information of said portable terminal and time information programmed in advance (provide location-based information based on location and time of the wireless mobile unit, Richton, Col. 2, line 59 through Col. 3, line 8 and Col. 5, lines 26 – 43).

However, Richton as applied above does not specifically disclose wherein timing of transmission of the travel data depends on the time information programmed in advance. In an analogous art, Elsey discloses timing of transmission of the travel data depends on the time information programmed in advance (the time of the appointment is already stored within the server and prior to the time of the appointment the server notifies the user as a reminder, Elsey, Page 11, Paragraph 0095, lines 9 – 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Elsey to the system of Richton in order to provide an effective way to manage sources of information pertaining to and about a user, including his/her preferences to provide a more efficient and personalized information assistance for telephone and mobile device users.

Regarding claim 2, Richton in view of Elsey as applied above discloses that the travel data (location-based information) is changed to newest data when

changing is made on said various kinds of data (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area, Richton, Col. 4, lines 28 – 52).

Regarding claim 3, Richton in view of Elsey as applied above discloses that destination of travel, means for moving, identification means of said portable terminal are registered in said travel server (location-based controller, Fig. 3, 302 located within the location based server has information identifying the wireless mobile unit), as the personal data, and said travel server (location based server) produces the travel data for each person and for each the destination from the personal data and the various kinds of data, so as to transmit them to said portable terminal (Richton, Col. 3, lines 9 – 28).

Regarding claim 4, Richton in view of Elsey as applied above discloses destination of travel, means for moving, identification means of said portable terminal are registered in said travel server (location-based controller, Fig. 3, 302 located within the location based server has information identifying the wireless mobile unit), as the personal data, and also information of facilities and sightseeing information corresponding to the destination of travel (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area) are registered in said travel server, as the various kinds of data (Richton, Col. 4, lines 28 – 52).

Regarding claim 5, Richton in view of Elsey as applied above discloses area servers (Intelligent Personal Assistant, IPA) located in plural number of areas, wherein the various kinds of data, including the information of facilities and the sightseeing information (preference information such as airline preference, priorities of importance to a user, etc), which are accumulated in said local area servers (location based preferences server, Fig. 3, 305 located within the location based server), are taken out from said local area servers, so as to be used for producing of the travel data (Richton, Col. 3, lines 24 – 38).

Regarding claim 6, Richton in view of Elsey as applied above discloses that the information transmission system further comprises area servers located in plural numbers of areas, and said travel server (location based server) accesses to the local area server nearest to a present location of said portable terminal when transmitting the data on said portable terminal (IPA may be programmed to know how to best deliver information because of its programmed knowledge of the user, Richton, Col. 5, lines 56 – 43).

Regarding claim 7, Richton in view of Elsey as applied above discloses that the information of facilities and sightseeing information corresponding to the destination of travel are registered in said travel server, respectively, as the various kinds of data (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area, Richton, Col. 4, lines 28 – 52), and said various kinds of data is

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supplied to a broadcasting station (base stations, Fig. 2, 203 – 1 through 203 – 04) for broadcasting a travel program (Richton, Col. 2, line 59 through Col. 3, line 8).

Response to Arguments

4. Applicant's arguments with respect to claims 1 – 7 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2687

12/28/05 *UC*
Lester G. Kincaid
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER